

HOUSE No. 441

By Mr. Fagan of Taunton, petition of James H. Fagan relative to the indemnification of probation officers and court officers. Public Service.

The Commonwealth of Massachusetts

In the Year Two Thousand and Five.

AN ACT RELATIVE TO INDEMNITY OF PROBATION AND COURT OFFICERS.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 Chapter 258 of the General Laws, as appearing in the 1998
2 Official Edition, is hereby amended by inserting after section 9A,
3 the following section:—

4 Section 9B. If, in the event a suit is commenced against a Pro-
5 bation or Court Officer employed by the Trial Court, by reason of
6 a claim for damages resulting from an alleged intentional tort or
7 by reason of an alleged act or failure to act which constitutes a
8 violation of the civil rights of any person under federal or state
9 law, the commonwealth, at the request of the affected officer, shall
10 provide for the legal representation of said officer.

11 The commonwealth shall indemnify Probation or Court Offi-
12 cers employed by the Trial Court, respectively, from all personal
13 financial loss and expenses, including but not limited to legal fees
14 and costs, if any, in an amount not to exceed one million dollars
15 arising out of any claim, action, award, compromise, settlement or
16 judgment resulting from any alleged intentional tort or by reason
17 of an alleged act or failure to act which constitutes a violation of
18 the civil rights of any person under federal or state law; provided,
19 however, that this section shall apply only where such alleged
20 intentional tort or alleged act or failure to act occurred within the
21 scope of the official duties of such officer.

22 No Probation or Court Officer employed by the Trial Court
23 shall be indemnified for any violation of federal or state law if
24 such member or employee acted in a willful, wanton, or malicious
25 manner.

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